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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Pawlak, et al.  
SERIAL NO.: 09/306,474  
FILED: May 6, 1999  
SUBJECT: BLOCKING COMPOSITIONS FOR IMMUNOASSAYS  
EXAMINER: Not Assigned  
ART UNIT: 1643

DECLARATION UNDER 37 C.F.R. Section 1.47

Assistant Commissioner for Patents  
Washington, D.C. 20231

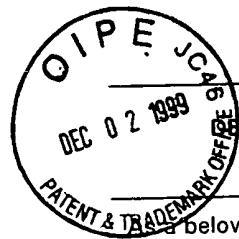
Sir:

Now comes Timothy H. Gens, who declares and states that:

1. A copy of the application papers including the Declaration and Power Of Attorney For Patent Application, in the form enclosed herewith was mailed to one of the named co-inventors, Victor Manneh. In a telephone conversation on September 27, 1999, Mr. Manneh told me that he refuses to sign the Declaration because he believes he should be the first-named inventor.
2. In a second conversation, on November 15, 1999 Mr. Manneh again told me that he refuses to sign the Declaration. Mr. Manneh stated that he should be the first-named inventor.
3. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon. Further declarant saith not.

Date: November 29, 1999

Timothy H. Gens



DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

Below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BLOCKING COMPOSITIONS FOR IMMUNOASSAYS**

the specification of which (check one): ☐ is attached hereto.  
☒ was filed on: 5/6/99  
☒ Application Serial No.: 09/306,474  
and was amended on: \_\_\_\_\_  
(if applicable)  
☐ was described and claimed in  
PCT International Application  
No. \_\_\_\_\_  
filed on: \_\_\_\_\_  
and as amended under PCT  
Article 19 on: \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

| Prior Foreign or PCT Application(s): |                              |                      | Priority Claimed?            |                             |
|--------------------------------------|------------------------------|----------------------|------------------------------|-----------------------------|
| Application Number                   | Country (or indicate if PCT) | Day/Month/Year Filed | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| _____                                | _____                        | _____                | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| _____                                | _____                        | _____                | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Application(s)  
Designating the U.S. for Benefit Under 35 USC §120:

| U.S. Application Serial No. | U.S. Filing Date | Patented | Pending | Abandoned |
|-----------------------------|------------------|----------|---------|-----------|
| 60/084,438                  | 5/6/98           |          | x       |           |
| _____                       | _____            | _____    | _____   | _____     |
| _____                       | _____            | _____    | _____   | _____     |

PCT Applications Designating the U.S.:

| PCT Application No. | PCT Filing Date | U.S. Serial Nos. Assigned (if any) | Patented | Pending | Abandoned |
|---------------------|-----------------|------------------------------------|----------|---------|-----------|
| _____               | _____           | _____                              | _____    | _____   | _____     |
| _____               | _____           | _____                              | _____    | _____   | _____     |

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Stephen E. Baldwin, Reg. No. 27,769  
Timothy H. Gens, Reg. No. 29,153  
Laurence J. Shaw, Reg. No. 34,723

**SEND CORRESPONDENCE TO:**

Timothy H. Gens, Esq.  
TRIAL & TECHNOLOGY GROUP  
545 Middlefield Road Suite 220  
Menlo Park, CA 94025

**DIRECT TELEPHONE CALLS TO:**  
(name and telephone number)

Timothy H. Gens, Reg. No. 29,153  
(650) 324-2269

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Jan W. Pawlak

Signature: 

Dated: 8/10/99

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Residence: San Jose, CA 95135

Citizenship: U.S.A.

Post Office Address: \_\_\_\_\_

Full Name of Inventor: John E. Bartz

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

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Full Name of Inventor: Catherine Pawlak

Signature: 

Dated: 8-11-99

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Residence: San Jose, CA 95135

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Post Office Address: \_\_\_\_\_

Full Name of Inventor: Charles P. Zahl, Jr.

Signature: \_\_\_\_\_

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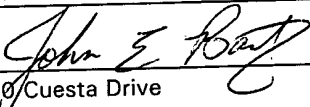
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Full Name of Inventor: Charles P. Zahl, Jr.

Signature: \_\_\_\_\_

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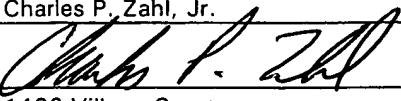
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Signature: T. Capen-Frederick

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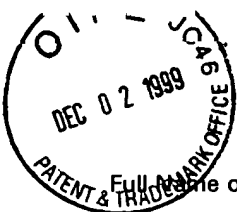
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Full Name of Inventor: Victor A. Manneh

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Signature:

Patrick Sexton

Dated:

8/17/99

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Charles P. Zahl, Jr.

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Full Name of Inventor:

Tilden L. Capen-Frederick

Signature:

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